### 2013 DRAFTING REQUEST

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Received:

2/18/2014

Received By:

emueller

Wanted:

As time permits

Same as LRB:

-3972

For:

**Legislative Council - LRC** 

By/Representing: Mike Queensland

May Contact:

Drafter:

emueller

Subject:

Transportation - highways

Addl. Drafters:

Extra Copies: **ARG** 

Submit via email:

YES

Requester's email:

Michael.Queensland@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

County aid for town bridge construction

Instructions:

See attached

**Drafting History:** 

Vers.	Drafted	Reviewed	<u>Typed</u>	<u>Proofed</u>	Submitted	<u>Jacketed</u>	Required
/1	emueller 2/18/2014	scalvin 2/18/2014	rschluet 2/19/2014		lparisi 2/19/2014	mbarman 2/19/2014	Local

FE Sent For:

<END>

# 2013 DRAFTING REQUEST

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Receive	ed:	2/18/2014			Received By:	emueller				
Wantee	d: .	As time permits			Same as LRB:	-3972				
For:		Legislati	ive Council -	LRC		By/Representing:	Mike Queensland			
May Contact:						Drafter:	emueller			
Subject: Transportation - highways						Addl. Drafters:				
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County	y aid for	town bri	dge construct	ion						
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## 2013 DRAFTING REQUEST

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Received:	2/18/2014	Rece	Received By: emueller				
Wanted:	As time permits	Same	e as LRB:	-3972			
For:	Legislative Council - LRC	By/R	By/Representing: Mike Queenslan				
May Contact:	:	Draf	ter:	emueller			
Subject: Transportation - highways		Addl	Addl. Drafters:				
		Extra	a Copies:	ARG			
Submit via er Requester's e Carbon copy	mail: Michael.Queenslan	d@legis.wiscor	nsin.gov				
Pre Topic:	(00)						
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Topic:							
County aid fo	or town bridge construction						
Instructions	:						
See attached							
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## State of Misconsin 2013 - 2014 LEGISLATURE





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**2013 BILL** 

2/18/14



gen cut

AN ACT to amend 82.08 (1) of the statutes; relating to: county aid for town

bridges and culverts.

### Analysis by the Legislative Reference Bureau

Under current law, a town that has voted to construct or repair a bridge or culvert on a highway maintained by the town may petition the county in which the town is located for shared funding of the project. With certain exceptions, upon an adequate petition, the county must pay one—half of the cost of construction or repair. The Wisconsin Supreme Court in *Town of Madison v. County of Dane*, 311 Wis. 2d 402 (2008), determined that this requirement applies only to "highways in existence at the time of a bridge's construction." Under this holding, counties are required to share costs only for bridges or culverts that are either located on a town highway that is currently in existence or will be connected to a town highway by the completion of the construction. This bill clarifies the language of the statute to confirm the holding of the Wisconsin Supreme Court.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill

For further information, see the Notes provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

. BILL

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Law Revision Committee prefatory note: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., stats., as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

**SECTION 1.** 82.08 (1) of the statutes is amended to read:

82.08 (1) Petitions. A town that has voted to construct or repair any bridge or culvert that is on -a-, or that after the construction will be connected to, an existing highway maintained by the town may file a petition for county aid with the county highway commissioner. The petition shall describe the location and size of the bridge or culvert and shall contain a statement that the town has provided the funds required by sub. (3).

(END)

#### Barman, Mike

From:

Sent: /

Queensland, Michael Wednesday, February 19, 2014 9:01 AM

To:

Subject:

LRB.Legal
Draft Review: LRB -4300/1 Topic: County aid for town bridge construction

Please Jacket LRB -4300/1 for the SENATE.